

AMENDED IN ASSEMBLY APRIL 16, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1827

Introduced by Assembly Member Bonilla

February 22, 2012

An act to amend ~~Section 53395.4~~ *Sections 53395.1 and 53395.3* of the Government Code, relating to infrastructure financing districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1827, as amended, Bonilla. ~~Notaries.~~ *Infrastructure financing districts.*

Existing law authorizes a city, county, or city and county to establish infrastructure financing districts, *as defined*, for the sole purpose of financing public facilities utilizing incremental property tax revenues, *subject to adoption of a resolution by the legislative body and affected taxing entities proposed to be subject to division of taxes and ²/₃ voter approval*. Existing law authorizes the legislative body to, by majority vote, initiate proceedings to issue bonds for the financing of district projects by adopting a resolution, *subject to specified procedures and ²/₃ voter approval*. A district may not include a redevelopment project area and a redevelopment project area may not include any portion of a district.

This bill would authorize a district, ~~notwithstanding the exclusion of a redevelopment project area, to include any portion of a redevelopment project area if that project area is located on a former military base~~ *military base reuse authority to form an infrastructure financing district for purposes of financing public facilities and issuing bonds. The bill*

would further authorize infrastructure financing districts to finance homeless accommodations, as specified.

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 53395.1 of the Government Code is*
2 *amended to read:*

3 53395.1. Unless the context otherwise requires, the definitions
4 contained in this article shall govern the construction of this
5 chapter.

6 (a) “Affected taxing entity” means any governmental taxing
7 agency which levied or had levied on its behalf a property tax on
8 all or a portion of the property located in the proposed district in
9 the fiscal year prior to the designation of the district, but not
10 including any county office of education, school district, or
11 community college district.

12 (b) “City” means a city, a county, or a city and county, *or a*
13 *military base reuse authority formed pursuant to Section 67660*
14 *or 67820.*

15 (c) “Debt” means any binding obligation to repay a sum of
16 money, including obligations in the form of bonds, certificates of
17 participation, long-term leases, loans from government agencies,
18 or loans from banks, other financial institutions, private businesses,
19 or individuals.

20 (d) “Designated official” means the city engineer or other
21 appropriate official designated pursuant to Section 53395.13.

22 (e) (1) “District” means an infrastructure financing district.

23 (2) An infrastructure financing district is a “district” within the
24 meaning of Section 1 of Article XIII A of the California
25 Constitution.

26 (f) “Infrastructure financing district” means a legally constituted
27 governmental entity established pursuant to this chapter for the
28 sole purpose of financing public facilities.

29 (g) “Landowner” or “owner of land” means any person shown
30 as the owner of land on the last equalized assessment roll or
31 otherwise known to be the owner of the land by the legislative
32 body. The legislative body has no obligation to obtain other
33 information as to the ownership of land, and its determination of

ownership shall be final and conclusive for the purposes of this chapter. A public agency is not a landowner or owner of land for purposes of this chapter, unless the public agency owns all of the land to be included within the proposed district.

(h) "Legislative body" means the city council or board of supervisors, *or a military base reuse authority formed pursuant to Section 67660 or 67820.*

SEC. 2. *Section 53395.3 of the Government Code is amended to read:*

53395.3. (a) A district may finance (1) the purchase, construction, expansion, improvement, seismic retrofit, or rehabilitation of any real or other tangible property with an estimated useful life of 15 years or longer which satisfies the requirements of subdivision (b), (2) may finance planning and design work which is directly related to the purchase, construction, expansion, or rehabilitation of that property and (3) the costs described in Sections 53395.5, and 53396.5. A district may only finance the purchase of facilities for which construction has been completed, as determined by the legislative body. The facilities need not be physically located within the boundaries of the district. A district may not finance routine maintenance, repair work, or the costs of ongoing operation or providing services of any kind.

(b) The district shall finance only public capital facilities of communitywide significance, which provide significant benefits to an area larger than the area of the district, including, but not limited to, all of the following:

(1) Highways, interchanges, ramps and bridges, arterial streets, parking facilities, and transit facilities.

(2) Sewage treatment and water reclamation plants and interceptor pipes.

(3) Facilities for the collection and treatment of water for urban uses.

(4) Flood control levees and dams, retention basins, and drainage channels.

(5) Child care facilities.

(6) Libraries.

(7) Parks, recreational facilities, and open space.

(8) Facilities for the transfer and disposal of solid waste, including transfer stations and vehicles.

1 (9) *Homeless accommodations pursuant to Section 2905(b) of*
2 *the federal Defense Base Closure and Realignment Act of 1990*
3 *(10 U.S.C. Sec. 2687 et seq.), as amended.*

4 (c) Any district which constructs dwelling units shall set aside
5 not less than 20 percent of those units to increase and improve the
6 community's supply of low- and moderate-income housing
7 available at an affordable housing cost, as defined by Section
8 50052.5 of the Health and Safety Code, to persons and families of
9 low- and moderate-income, as defined in Section 50093 of the
10 Health and Safety Code.

11 ~~SECTION 1. Section 53395.4 of the Government Code is~~
12 ~~amended to read:~~

13 ~~53395.4. (a) (1) A district may not include any portion of a~~
14 ~~redevelopment project area which is or has been previously created~~
15 ~~pursuant to Part 1 (commencing with Section 33000) of Division~~
16 ~~24 of the Health and Safety Code, whether the creation is or was~~
17 ~~proper or improper. A redevelopment project area may not include~~
18 ~~any portion of a district created pursuant to this chapter.~~

19 ~~(2) Notwithstanding paragraph (1), a district may include any~~
20 ~~portion of a redevelopment project area if that project area is~~
21 ~~located on a former military base.~~

22 ~~(b) A district may finance only the facilities or services~~
23 ~~authorized in this chapter to the extent that the facilities or services~~
24 ~~are in addition to those provided in the territory of the district~~
25 ~~before the district was created. The additional facilities or services~~
26 ~~may not supplant facilities or services already available within that~~
27 ~~territory when the district was created but may supplement those~~
28 ~~facilities and services as needed to serve new developments.~~

29 ~~(c) A district may include areas which are not contiguous.~~